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10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF WASHINGTON

12 GINA L. BRITTON, a single woman,
13 and on behalf of other similarly
14 situated,

15 Plaintiffs,

16 v.

17 SERVICELINK FIELD SERVICES,
18 LLC, formerly known as LPS FIELD
19 SERVICES, INC.,

20 Defendant.

NO.

Washington State Court,
Spokane County Cause No.
18-2-00007-1

**DEFENDANT'S NOTICE OF
REMOVAL TO FEDERAL
COURT**

[Diversity Jurisdiction – Class
Action Fairness Act]

21 TO: The Honorable Judges of United States District Court for the
22 Eastern District of Washington at Spokane:
23

{00342665;1}

DEFENDANT'S NOTICE OF REMOVAL TO FEDERAL
COURT - 1

FREY BUCK, P.S.

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1 PLEASE TAKE NOTICE THAT Defendant ServiceLink Field
2 Services, LLC, f/k/a LPS Field Services, Inc., ("ServiceLink") respectfully
3 removes the above-captioned action, Case No. 18-2-00007-1, currently
4 pending in the Superior Court of the State of Washington for Spokane
5 County, to the United States District Court of the Eastern District of
6 Washington at Spokane. Removal is based on 28 U.S.C. §§ 1332(d) (the
7 Class Action and Fairness Act), 1441(b), 1446, and 1453.
8

9 **STATEMENT OF JURISDICTION**

- 10 1. On or about January 2, 2018, Plaintiff Gina L. Britton ("Plaintiff")
11 commenced an action in the Superior Court of the State of
12 Washington, Spokane County entitled *Gina L. Britton, a single*
13 *woman, and on behalf of others similarly situated v. ServiceLink*
14 *Field Services, LLC, f/k/a LPS Field Services, Inc.*, Case No:
15 18200007-1 by filing a Complaint.
16
17 2. The Complaint and Summons were served on ServiceLink on
18 January 4, 2018. This notice has been timely filed within the
19 period required under 28 U.S.C. ¶ 1446.
20
21 3. Superior Court of the State of Washington, Spokane County is
22 located within the Eastern District of Washington at Spokane. 28
23 U.S.C. § 105(b)(1). Therefore, venue for the removal is proper

1 because this is the “district and division embracing the place
2 where such action is pending.” 28 U.S.C. §1441(a).

- 3 4. Pursuant to 28 U.S.C. §1441(a), a copy of all process and
4 pleadings served upon Defendant is attached hereto. Further,
5 pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal
6 is being served upon Plaintiff’s counsel and a copy is being filed
7 with the Clerk of the Superior Court of the State of Washington,
8 Spokane County.
9
10 5. This matter is removable because this honorable Court has
11 original jurisdiction over this action pursuant to the Class Action
12 Fairness Act of 2005, Pub. L. No. 109-2, 119 Stat. 4 (codified in
13 scattered sections of 28 U.S.C.) (“CAFA”).
14
15 6. CAFA grants federal district courts original jurisdiction over civil
16 class action lawsuits filed under federal or state law in which any
17 member of a class of plaintiffs is a citizen of a state different from
18 any defendant, and where the amount in controversy exceeds
19 \$5,000,000, exclusive of interest and costs.
20
21 7. Pursuant to 28 U.S.C. § 1332(d)(2)(A), district courts have original
22 jurisdiction over civil actions where “the matter in controversy
23 exceeds the sum or value of \$5,000,000.00, exclusive of interest

1 and costs, and is a class action in which (A) any member of a
2 class of plaintiffs is a citizen of a State different from any
3 defendant.” The statute also permits a class’s damages to be
4 aggregated to determine whether the amount in controversy is
5 sufficient. 28 U.S.C. § 1332(d)(6). Finally, the class must have a
6 minimum of 100 members. 28 U.S.C. § 1332(d)(5)(B).
7

8 8. This matter is removable pursuant to CAFA because (a) the
9 amount in controversy exceeds the value of \$5,000,000, exclusive
10 of costs and interest, (b) there are more than 100 class members,
11 and (c) this putative class action is against a primary defendant,
12 who is a citizen of another state.
13

14 9. First, ServiceLink denies the allegations contained in the
15 Complaint and denies that Plaintiff or any putative class member is
16 entitled to any monetary relief. Nonetheless, the amount in
17 controversy here satisfies the jurisdictional threshold. Plaintiff
18 seeks—and a fact-finder legally might award—aggregate
19 damages in excess of the \$5 million amount-in-controversy
20 requirement. See 28 U.S.C. § 1332(d)(2), (d)(6). Plaintiff
21 challenges Defendant’s alleged “common course of conduct
22 whereby it wrongfully and forcibly enters borrowers’ properties
23

1 prior to completion of a foreclosure to perform destructive and
2 disruptive acts, including destroying the existing lock(s) on a
3 borrower's home, removing the borrower's destroyed locks from
4 the home, rummaging through, "trashing out" and damaging
5 property inside the home, and removing the borrower's personal
6 property from the home and property." (Complaint, 1.8) Plaintiff
7 herself alleges damages in excess of \$1,000. (Complaint, 5.23.)
8 Plaintiff's alleged damages are in excess of \$1,000, trebled, plus
9 attorneys' fees, which may be available under the Washington
10 Consumer Protection Act RCW 19.86 *et seq.* Assuming average
11 damages of only \$1,000, without trebling or attorneys' fees, would
12 require only 5,000 class members. With trebling (*i.e.*, an average
13 total of \$3,000), only 1,667 class members to reach the
14 jurisdictional amount of over \$5,000,000 in controversy. Plaintiff
15 here alleges tens of thousands of class members. (Complaint,
16 6.5.) Plaintiff also alleges entitlement to treble damages and
17 attorneys' fees both individually and on behalf of the class.
18 (Complaint, 7.7-7.9.) Plainly, the amount in controversy exceeds
19 \$5,000,000.
20
21
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1 10. Second, Plaintiff's complaint alleges over 100 class members.
2 (Complaint, 6.5 [alleging over tens of thousands of class
3 members].)

4 11. Third, minimal diversity exists because Plaintiff is a citizen of
5 Washington and ServiceLink is not a citizen of Washington.
6 ServiceLink is a limited liability company, whose sole member is
7 ServiceLink Default Services, LLC. ServiceLink Default Services,
8 LLC's sole member is ServiceLink NLS, LLC. ServiceLink NLS,
9 LLC's sole member is ServiceLink Holdings, LLC. ServiceLink
10 Holdings, LLC has a majority member, ServiceLink Holdings, Inc.,
11 a Delaware corporation with a principal place of business in
12 Florida. ServiceLink Holdings, LLC has minority members, none
13 of whom are citizens of Washington. They are:

14 a. THL Equity Fund VI Investors (BKFS) III, L.P., a Delaware
15 limited partnership with its principal place of business in
16 Massachusetts, is owned (100%) by a Japanese bank with
17 its principal place of business in Japan. The specific identity
18 of the bank is subject to a confidentiality provision.

19 b. THL Equity Fund VI Investors (BKFS-LM), LLC, a limited
20 liability company with its principal place of business in
21

1 Massachusetts, is owned by a Delaware limited liability
2 company, with its principal place of business in
3 Massachusetts, which itself is owned by six corporations.
4 The specific identity of the members is subject to
5 confidentiality obligations. However, two of those six
6 corporations are Wisconsin corporations, one is a
7 Massachusetts corporation, and three are New Hampshire
8 corporations. All control of those six corporations rests in
9 Massachusetts, the location of the principal place of
10 business of each of these six corporations.
11
12

- 13 c. THL Equity Fund VI Investors (BKFS-NB), LLC, a Delaware
14 limited liability company with its principal place of business in
15 Massachusetts is solely owned by a Wyoming limited
16 partnership with its principal place of business in New
17 York. The Wyoming limited partnership is owned (99%) by
18 its limited partner, a governmental entity in the state of
19 Wyoming, and is owned (1%) by its general partner, a
20 Wyoming limited liability company that is indirectly controlled
21 by a Delaware corporation with its principal place of
22
23

1 business in New York. The specific identity of the members
2 is subject to confidentiality obligations.

3 d. THL Investors Black Knight II (A) Holding Corp., a Delaware
4 corporation with its principal place of business in
5 Massachusetts.

6 e. THL Investors Black Knight II (B) Holding Corp., a Delaware
7 corporation with its principal place of business in
8 Massachusetts.

9 f. THL Black Knight II (A) Holding Corp., a Delaware
10 corporation with its principal place of business in
11 Massachusetts.

12 g. THL Black Knight II (B) Holding Corp., a Delaware
13 corporation with its principal place of business in
14 Massachusetts.

15 h. THL Black Knight II (C) Holding Corp., a Delaware
16 corporation with its principal place of business in
17 Massachusetts.

18 i. THL Black Knight II (D) Holding Corp., a Delaware
19 corporation with its principal place of business in
20 Massachusetts.

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1 j. THL Black Knight II (E) Holding Corp., a Delaware
2 corporation with its principal place of business in
3 Massachusetts.

4 12. Finally, this putative class action is not subject to the local
5 controversy exception or the home-state exception because
6 ServiceLink is not a Washington citizen.
7

8 WHEREFORE, ServiceLink gives notice that Case No. 18-2-00007-1,
9 which is presently pending in the Superior Court of Spokane County,
10 Washington, is hereby removed to this Court.
11

12 DATED this 2nd day of February, 2018 at Seattle, Washington.
13

14 **FREY BUCK, P.S.**

15
16 By: /s/ Ted Buck
17 Ted Buck, WSBA #22029
18 Attorneys for Defendants
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Certificate of Service

I certify that on the date noted below I electronically filed this document entitled **DEFENDANT'S NOTICE OF REMOVAL TO FEDERAL COURT** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following persons:

:

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Attorneys for Plaintiffs

DATED this 2nd day of February, 2018, at Seattle, Washington.

/s/ Ted Buck via ECF
Ted Buck